

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LANI S. MOAR,

Plaintiff,

CIVIL CASE NO. 02-40184

v.

COMMISSIONER OF SOCIAL SECURITY,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

Defendant.

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ORDER ACCEPTING REPORT AND RECOMMENDATION

Before the Court are the parties' cross motions for summary judgment and the Report and Recommendation of the Honorable Wallace Capel, Jr., United States Magistrate Judge. The Magistrate Judge recommends that this Court grant Plaintiff's motion for summary judgment in part, deny Defendant Commissioner's motion for summary judgment, and remand the case for further proceedings. The Magistrate Judge served the Report and Recommendation on all parties on February 28, 2006 and notified the parties that any objections must be filed within ten days of service. Accordingly, any objections should have been filed by approximately March 17, 2006. Neither party filed objections to the Report and Recommendation.

The Court's standard of review for a Magistrate Judge's Report and Recommendation depends upon whether a party files objections. If a party does not object to the Report and Recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual

or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Since neither party has filed objections to the Report and Recommendation, the Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry 13] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Plaintiff’s motion for summary judgment [docket entry 9] is **GRANTED IN PART**.

IT IS FURTHER ORDERED that the Defendant Commissioner’s motion for summary judgment [docket entry 12] is **DENIED**.

IT IS FURTHER ORDERED that this case is **REMANDED** for proceedings consistent with the Magistrate Judge’s February 28, 2006 Report and Recommendation.

SO ORDERED.

Dated: March 29, 2006

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on March 29, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

James A. Brunson, and I hereby
certify that I have mailed by United States Postal Service the paper to the following non-
ECF participants: Michael D. Witt

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
(810) 341-7845